



*Building The Wireless Future™*  
Cellular Telecommunications & Internet Association

December 4, 2003

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
12th Street Lobby, TW-A325  
Washington, D.C. 20554

**Re: *Ex Parte* Presentation  
WT Docket No. 02-55**

Dear Ms. Dortch:

Please include the attached document in the 800 MHz proceeding docket (WT Docket No. 02-55). The attached legal memorandum outlines how Nextel's spectrum proposal violates well-established licensing policy and qualifies neither as a "channel swap" nor as a "license modification." In particular, the proposal would:

- violate the well-established policies underlying Section 309(j) of the Communications Act and would circumvent the Commission's standard license assignment process;
- not qualify under the applicable law as either a channel swap or a license modification; and
- require the Commission either to improperly ignore its statutory obligations or to illegally use its Section 316 authority to "trump" its Section 309(j) obligations.

Pursuant to Section 1.1206 of the Commission's Rules, this letter is being electronically filed with your office. If you have any questions concerning this submission, please contact the undersigned.

Sincerely,

*Diane Cornell*

Diane Cornell

cc: Bryan Tramont  
Sheryl Wilkerson  
Jennifer Manner  
Paul Margie



Sam Feder  
Barry Ohlson  
Ed Thomas  
Jim Schlichting  
John Muleta  
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